

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, February 18, 2008, 7:00 p.m.

Appointments

Nursing and Rest Home Advisory Board	39	02/18/08
Catawba County Planning Board	39	02/18/08
Volunteer Fire Department, Fireman's Relief Fund	39	02/18/08
City of Maiden Board of Adjustment	39	02/18/08

NCACC

Joint Resolution in Recognition of North Carolina Association of County Commissioners	39	02/18/08
---	----	----------

Ordinances

Amendment to Catawba County Zoning Map (Hospice)	34	02/18/08
Amendment to Catawba County Zoning Map (Lowes)	36	02/18/08

Proclamations

Courage to Care Week	34	02/18/08
----------------------	----	----------

Public Health

Request to Add WIC Positions	39	02/18/08
------------------------------	----	----------

Public Hearings

Rezoning request to rezone 22.16 acres PD Planned Development (Hospice)	34	02/18/08
Rezoning request to rezone 22.82 acres PD-CD Planned Development/ Conditional District(Lowes)	36	02/18/08

Resolutions

Joint Resolution in Recognition of North Carolina Association of County Commissioners	39	02/18/08
---	----	----------

Utilities and Engineering

SECC Wastewater Project – Preferred Alternate	40	02/18/08
---	----	----------

The Catawba County Board of Commissioners met in regular session on Monday, February 18, 2008 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Dan Hunsucker, Barbara G. Beatty and Glenn E. Barger.

County Manager J. Thomas Lundy was absent.

Also present were Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Barbara G. Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn E. Barger offered the invocation.
4. Commissioner Dan Hunsucker made a motion to approve the minutes of the regular meeting and closed session of Monday, February 4, 2008. The motion carried unanimously.

5. Recognition of Special Guests: Chair Barnes welcomed everyone present and recognized Betty Coulter of the Newton/Conover City School Board.
6. Comments for Items not on the Agenda. None.

7. Presentations:

Vice-Chair Lynn M. Lail presented Clark Isaac and David Clark with a proclamation declaring February 17-24, 2008 as "Courage to Care Week". During this week, a community wide fundraising campaign will begin to raise \$2.5 million to build a new twelve-bed inpatient hospice facility at the Palliative CareCenter and Hospice of Catawba Valley. The CareCenter has provided high quality, compassionate end of life care, and served more than 52% of the deaths in Catawba County in 2007. The current nine-bed inpatient facility on Robinson Road is at 100% capacity. Expansion of the inpatient facility is needed to serve the county's families. The proclamation encouraged citizens, businesses and churches to support this campaign.

Chair Barnes then announced County Manager J. Thomas Lundy was out of the country on ICMA business and Assistant County Manager Lee Worsley would be taking his place in the meeting.

8. Public Hearings:

Chris Timberlake, Planner, presented a request for the Board to hold a public hearing on a request by Mr. David Clarke, representing Palliative Care Center and Hospice of Catawba Valley, to rezone two adjacent parcels totaling approximately 22.16 acres, at 7473 Sherrills Ford Road in the Sherrills Ford Small Area Planning District, from R-20 Residential to PD Planned Development.

Parcels surrounding this tract are currently zoned R-20 or R-40 Residential with one tract being a built upon property and the rest vacant, undeveloped or occupied by a non-conforming commercial establishment. Public water is available along Sherrills Ford Road, but public sewer is unavailable. As required by the County's Unified Development Ordinance (UDO), all utilities will be underground. Sherrills Ford Road is a two-lane road. Average daily traffic counts measured 5,900 in 2006. According to the Thoroughfare Plan for this area, the estimated capacity of the road is 13,800 vehicles per day. The site plan indicates the proposed development will have a divided entrance, with an internal right-of-way of 60 feet. An approved driveway connection permit from the North Carolina Department of Transportation (NCDOT) will be required. All internal roads will be designed to NCDOT standards.

The Planned Development district is established to encourage the master planning of large scale, multiple and/or mixed use development patterns, to give applicants more flexibility and creativity in design than is possible under conventional zoning regulations. The planned development process allows for the layout of uses and open space that promote high standards in design and construction that further the purposes of the small area plans; encourages well-planned, efficient development to promote economical and efficient land uses; allows a planned and coordinated mix of land uses which are compatible and harmonious, but were previously discouraged by conventional zoning procedures; promotes the clustering of structures and other uses to preserve unique and natural features; and reserves adequate public right-of-way in development areas for the extension of arterial and collector streets, including proper width and spacing of such streets.

Palliative Care Center and Hospice of Catawba Valley sees a growing need for its services in the eastern portion of Catawba County and Lake Norman area. An ideal site for the proposed center would be between 3 and 5 acres. In order to make this site a viable location, an economical use of the excess property is required. In this case, PD Planned Development would provide for a mixture of a nonresidential use (Hospice) and single family residences on individual lots within a master planned development. As proposed, the plan consists of 16 lots, 15 for single family residences and one lot for Hospice. The residential lots would vary in size from .60 acres to 1.18 acres. Setbacks for single family lots will be 30 foot front, 30 foot rear, and 20 foot side. A home owners association would be established to enforce deed restrictions and maintain 2.99 acres proposed as open space. The lot for the Hospice facility, which would include a six bed patient care center and administration building, would contain 3.22 acres. Because of the nonresidential use of the facility, it must to meet a 50 foot setback from residential properties. The approximate size of the facility is 12,000 square

feet, well below the permitted floor area. Since the property is located in a WS-IV Watershed – Protected Area, the imperviousness allowed would be 50,494 square feet. The proposed impervious area, including the facility and paved surfaces, is 26,500 square feet. The plan also shows that the property along Sherrills Ford Road is in a Rural Preservation-Overlay district, which establishes a 100 foot setback from the right-of-way, to preserve the rural character of the travel way.

The Sherrills Ford Small Area Plan, adopted on February 17, 2003, serves as the current land use plan for this area. The subject properties are in an area recommended for a density of two dwellings per acre. The density proposed would vary between one and just under two dwellings per acre. Because of its residential nature and proposed density, staff considered the request to be in conformance with the adopted land use plan and recommended approval, based on the Sherrills Ford Small Area Plan recognizing the parcels as being in an area proposed for medium density residential development and the purpose of the PD Planned Development zone. The Catawba County Planning Board held a public hearing on this request on January 28, 2007. Two persons spoke in favor of the rezoning request. The Planning Board voted 9-0 to recommend approval of the rezoning, based on the staff recommendations noted above.

Chair Barnes asked if there were any questions prior to opening the public hearing. There were none. She then called for the public hearing, noting that it had been duly advertised.

Mr. David Clarke came forward and noted that the eastern part of the county was 26 miles from the existing Hospice facility on Robinson Road and this was too far a distance for someone with heart failure to travel. He stated the major purpose of this new facility was to be more responsive to people in this area of the county.

No one spoke in opposition. Vice-Chair Lail made a motion to approve this rezoning request. The Board voted unanimously to approve the rezoning. The follow ordinance and consistency statement apply:

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On February 18, 2008, the Catawba County Board of Commissioners conducted a Public Hearing for the purpose of considering a zoning map amendment at the request of David Clarke (Case #R2008-001).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be consistent with the Sherrills Ford Small Area Plan and approve the zoning map amendment. This recommendation was affirmed by a vote of 5 - 0 of the Catawba County Board of Commissioners.

Ordinance No. 2008-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-20 Residential to PD Planned Development.

Two parcels totaling 22.16 acres located at 7473 Sherrills Ford Rd. in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified as Parcel Identification Numbers 4608-02-59-0555 and 4608-02-58-4735.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners find the rezoning request to be consistent with the Sherrills Ford Small Area Plan.

This, the 18th day of February 2008

b. Chris Timberlake, Planner, presented a request for the Board to hold a public hearing on a request by Lowe's Home Centers, Inc., to rezone one parcel of approximately 22.82 acres, at 5374 Highway 150 East in the Sherrills Ford Small Area Planning District, from R-20 Residential to PD-CD Planned Development-Conditional District.

Properties to the north, south and east of the subject parcel are zoned R-20 or R-40 Residential. Seven are presently occupied by single family residences, one is a developed property and one is undeveloped. Public water is available along Highway 150, but public sewer is currently unavailable. A private septic system would be subject to approval by Catawba County Environmental Health. As required by the UDO, all utilities must be underground. The average daily traffic count along Highway 150 in 2005 was 12,000 vehicles per day west of Highway 16, and 10,000 per day east of Highway 16. According to the Thoroughfare Plan for this area, the estimated capacity of Highway 150 is 14,200 vehicles per day. According to a Traffic Impact Analysis prepared by Martin, Alexiou, and Bryson, the overall development is projected to generate an additional 8,576 daily trips. That analysis recommends several off-site transportation improvements including installation of a three-phase traffic signal at the main site entrance; and construction of an eastbound left-turn lane at the main entrance; a westbound right-turn lane; one incoming lane and two outgoing lanes at the main entrance, with the left turn outgoing lane to extend the length of the driveway; an exclusive westbound right turn lane to provide access to a second entrance; and one incoming and outgoing lane with an exclusive right-turn lane to prohibit left turn movements into and out of the second access. The Traffic Impact Analysis has been submitted to NCDOT for review. Their comments have not been received at this time.

Planned Development rezoning is required when a proposed building exceeds 50,000 square feet. The County UDO, Section 44-443, PD Planned Development District, indicates the planned development district is established to encourage the master planning of large scale, multiple and/or mixed use development patterns, giving applicants more flexibility and creativity in design than is possible under conventional zoning regulations.

Conditional zoning districts allow for the consideration of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole, and are created or established for selected criteria. Development of these uses cannot be predetermined and controlled by general district regulations. Circumstances may arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted under the district would be consistent with the objectives of this section of the UDO.

Lowe's Home Centers, Inc. has submitted a revised site plan for the proposed development based on conditions recommended by County staff and the Planning Board. The 22.82 acre parcel would be subdivided into four lots, a 19.55 acre parcel for the location of Lowe's, a 1.27 acre outparcel, and two 1.05 acre outparcels. Based on the site plan, Lowe's is proposing an approximately 172,953 square foot building including garden center, storage, staging, and office areas. The Planned Development floor area ratio is 1:2. For every square foot of building space, there must be two square feet of land area. The 172,953 square feet of proposed building area would require a minimum of 345,906 square feet of land area. The property is 851,598 square feet in size, therefore it meets the floor area ratio requirement.

The UDO requires four parking spaces for every 1,000 square feet of retail space. The area devoted to retail alone is proposed to be approximately 152,340 square feet, which would require 609 parking spaces. The Mixed Used-Corridor Overlay (MUC-O) for this parcel allows for a reduction in parking, provided the applicant presents market studies or documented industry standards. The site plan shows 571 parking spaces will be provided. 501 would be located at the front of the building line and dedicated to parking only, with the remaining 70 spaces available for parking, and sales display and storage.

The site plan addresses the County's landscaping requirements for parking facilities, parcel perimeter buffers, foundation plantings and internal parking landscaping which meets the UDO requirements. The revised MUC-O allows for negotiation of on-premise and wall signs as part of the planned development process. The recommendations from staff and the Planning Board differ

regarding a Highway 16 pylon sign. Staff did not recommend a 150 square foot panel sign, 60 feet in height, due to the height and visibility at a location where people enter the county. The Planning Board recommended approval of the sign as proposed. Staff and the Planning Board do recommend additional signage proposals for Lowes and the outparcels that did not meet current UDO regulations.

The UDO requires that outside display or storage of inorganic products must be screened from any State-maintained road. The site plan submitted by Lowe's also shows outside display and storage areas to the east and west sides and along the front of the building which will be further screened through a combination of landscape islands, parking perimeter landscaping, decorative fencing, and outparcel landscaping and development. A revised site plan submitted on January 28, 2008 complies with MUC-O standards requiring that the first floor of all building facades, fronting public or private streets, must be designed to complement architectural aesthetics by including glass windows or doors, false window panels/treatments, awnings, murals or framed openings comprising at least 20% of the wall area.

Proposed uses for outparcels include retail, bank, office, drug store, eating and drinking establishments, with or without alcohol and/or drive-thru, convenience stores with fuel sales, and grocery store. Any establishment will have to meet development standards for Planned Development and MUC-O districts, with the exception of signage allowances based on the approved negotiated signage for the development.

The Sherrills Ford Small Area Plan, adopted on February 17, 2003, serves as the current land use plan for this area. The subject properties are in an area recommended for a regional/commercial mixed use center, designed to provide a mixture of uses such as commercial (including big box design), office-institutional, and multi-family. Because of its nature, staff considers this request to be reasonable and in conformance with the adopted land use plan.

The Catawba County Planning Board conducted a public hearing on January 28, 2008. One person spoke in favor of the rezoning request. After considering site plan and elevation drawings dated January 17, 2008, the Planning Board voted unanimously to recommended adoption of a statement affirming the consistency of the rezoning request with the Sherrills Ford Small Area Plan and the conditional rezoning of the property from R-20 Residential to PD-CD Planned Development, based on site plan and elevation drawings dated January 17, 2008, which includes a pylon sign with a maximum height of 60 feet and 150 square foot panel size, due to the elevation of property and visibility to south bound traffic. The Planning Board recommended approval of the rezoning based on the Sherrills Ford Small Area Plan recognizing the parcels as being in an area proposed for regional/commercial mixed use development and the purpose of the PD-CD Planned Development zone. Based on the Planning Board's recommendation, revised site plan drawings dated January 28, 2008 were submitted, with changes which have met or will meet site plan conditions.

Vice-Chair Lail asked for clarification on some specifics regarding display merchandise in certain areas and it was determined that this merchandise display would not take place in the front parking area.

Commission Beatty asked who would supply the water for this facility and Mr. Timberlake indicated to his knowledge Lincoln County would be providing the water.

Commissioner Hunsucker asked about the discussions with the Planning Board regarding the pylon sign and Mr. Timberlake indicated that the discussions revolved around the visibility of the sign heading southbound on the Hwy 16 bypass.

Chair Barnes then asked for the other powerpoint by Lowes to be presented at this time. Neil Sheppard, engineer with Blue Ridge Engineering, presented the powerpoint which he indicated pretty much repeated Mr. Timberlake's presentation. He pointed out that \$1 million in architectural upgrades and \$200,000 on landscaping upgrades had been added to the standard Lowes plans. Chair Barnes asked what 10 feet difference in the height of the pylon sign would mean – she indicated she had difficulty changing the standard for this – Mr. Sheppard indicated the sign

company has tested how high the sign had to be relative to the trees and had come up with the 60 feet.

Chair Barnes then declared the public hearing opened and, four people came forward to speak.

Scott Young – owns parcel next to the proposed Lowes – stated traffic was already a nightmare so that didn't bother him – is a business owner - is in support of the request because it will bring jobs and he had no problem with the pylon sign.

Terry Schronce – was selling land the Lowes and was in favor of the pylon sign and felt this would bring good economic growth to the county and produce good tax revenues and jobs.

Matthew Minton- worked for Lowes – supported the Pylon sign.

Sara Sherrill – hoped the environmental health would ensure the septic system installed would be large enough to support all the proposed business in the area (the outparcels).

Following the public hearing, the Board continued discussion regarding the pylon sign and concluded the topography warranted the change from the UDO sign specifications. While there was some concern regarding setting a precedent by allowing the added height, it was stressed that the exception was being made due to the topography of the site and the same conditions would have to apply in any other exception. Lowes willingness to upgrade the architectural design and the landscaping was noted as positive. Commissioner Beatty asked about the possibility of sewer to the area and Jack Chandler stated that sewer to the Hwy 150 corridor has not been approved by the Board yet but it was do-able at some point in the future.

Commissioner Barger made the motion to approve this rezoning request. The motion carried unanimously. The following consistency statement and ordinance applies:

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On February 18, 2008, the Catawba County Board of Commissioners conducted a Public Hearing for the purpose of considering a zoning map amendment at the request of Lowe's Home Centers Inc. (Case #R2008-003).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be consistent with the Sherrills Ford Small Area Plan and approve the zoning map amendment. This approval was affirmed by a vote of 5 - 0 of the Catawba County Board of Commissioners.

Ordinance No. 2008-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-20 Residential to PD-CD Planned Development-Conditional District.

One parcel totaling 22.82 acres located at 5374 East NC 150 HWY in the Sherrills Ford Small Area Planning District, Mountain Creek Township, and further identified as Parcel Identification Number 3686-14-33-0207.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Sherrills Ford Small Area Plan.

This, the 18th day of February 2008.

9. Appointments:
Vice-Chair Lail recommended the Board reappoint Nina Shuford and Peggy Woods for third terms and Dixon Adams for a fifth on the Nursing and Rest Home Community Advisory Committee. Ms. Shuford's term would expire on November 19, 2010, Ms. Woods' term would expire on October 19, 2010 and Dixon Adams' term would expire March 16, 2011. Vice-Chair Lail also recommended the Board appoint Veronica Keegan as an alternate member to replace Deborah Pitts on the Catawba County Planning Board. Ms. Keegan's term would expire December 31, 2011. Commissioner Beatty recommended the reappointment of the following people to the Volunteer Fire Department Fireman's Relief Fund: Walter Cornwell (representing the St. Stephens VFD); Ben Elmore (Bandys); Norris Huss (Cokesville); Jerry Loy Sigmon (Oxford); Chuck Ward (Mt. View); Mike Weaver (Propst); and Eddie White (Sherrills Ford). These terms expire on December 31, 2009. Commissioner Beatty also recommended the appointment of Roger Isenhour as a perimeter member of the City of Maiden Board of Adjustment. Mr. Isenhour will complete the unexpired term of John Biggerstaff, who died late last year. These recommendations came in the form of a motion and the motion carried unanimously.
10. Consent Agenda:
Assistant County Manager Lee Worsley presented the following items under the consent agenda:
 - a. A request from Catawba County Public Health to add two full-time positions to the Women, Infant and Children's (WIC) program. The requested positions, a Dietetic Technician and WIC Peer Counselor, will be paid entirely with Federal WIC funds. The WIC caseload has grown 28% over the past five years. Based on a recent WIC staff needs assessment that studied caseload counts, the number of staff in various disciplines, State WIC staffing guidelines and future needs, the Catawba County Board of Health has determined that additional staff is required for office support and nutrition support.
 - b. A request for the Board to adopt a joint resolution with other North Carolina counties to recognize the North Carolina Association of County Commissioners' (NCACC) centennial. The Association, established by the North Carolina General Assembly on March 8, 1909, has a proven success in advocacy, county-centered services and educational programs. The resolution recognizes and celebrates "100 Years of County Unity", in tribute to the NCACC's centennial. The resolution read as follows:

Resolution No. 2008-03

**Joint Resolution Celebrating 100 Years of County Unity in
Recognition of Our Association's Centennial**

WHEREAS, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

WHEREAS, the active participation and engagement of all 100 counties has directed, strengthened and enhanced our Association; and

WHEREAS, the dedication and talents of individual county commissioners and county staff has led our Association's success in advocacy, county-centered services and educational programs; and

WHEREAS, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

WHEREAS, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

WHEREAS, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

NOW, THEREFORE BE IT RESOLVED, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognizes and celebrates “100 Years of County Unity” in tribute to our Association’s Centennial.

FURTHER BE IT RESOLVED, that the Association communicates its copy of this joint resolution to each Board of County Commissioners.

FURTHER BE IT RESOLVED, that the Catawba County Board of County Commissioners communicates its copy of this joint resolution to the North Carolina Association of County Commissioners.

This the 18th day of February, 2008

Chair Barnes asked if any of the Commissioners wished to have an item broken out of the consent agenda and none were requested. Commissioner Beatty made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

Utilities and Engineering:

Jack Chandler, Public Services Administrator, presented a request for the Board to delegate authority to him to conduct an open meeting concerning preferred alternates for the Southeast Catawba County Wastewater Project. North Carolina General Statutes provide for free and open competition on public contracts and state that specifications shall contain a performance specification, or name at least three brands of equal or equivalent design characteristics and that, if the owner prefers a particular brand, product or material, then such brand shall be bid as an alternate to the three items or equivalent design in a base bid, one of which may be the preferred brand. The specifications for the preferred brand must also identify the performance standards that support the preference. The project owner shall publish a notice announcing an open meeting for presentation of the performance standards. The open meeting may be held separately or in conjunction with the project pre-bid meeting. A designated official of the owner will conduct the meeting. Finally, justification for the alternate must either indicate a cost savings, or maintain or improve the function of any process or system affected by the preferred product or both.

There is only one product being considered as a preferred alternate for the Southeast Catawba County Wastewater Project, Fairbanks Morse Pumps. The City of Hickory is partnering with Catawba County to provide this service to southeast Catawba County. The City’s Public Utilities Department has standardized the use of Fairbanks Morse Pumps, which have been in operation within Hickory’s system for over 30 years, in any location where they operate and maintain equipment, due to Fairbanks Morse Pumps’ proven history with the City, local sales, service and support, and a reduction in required spare parts inventory, as required by NC General Statutes. The City has indicated it has an excellent relationship with the local Fairbanks Morse vendor, who has provided impeccable in-house support for the City’s operations for both support, trouble shooting, and start-up in the field, and records on pumps currently in service. Since any preferred alternate must be discussed at an open meeting by an official designated by the owner, staff requested that the Board delegate authority to act as the official for the County to the Public Services Administrator. The preferred alternate discussion will occur at the advertised pre-bid meeting; and all procedures set by the North Carolina Construction Office will be followed.

Commissioner Barger made a motion to approve this request. The motion carried unanimously.

12. Other items of Business: None.

13. Attorneys’ Report. None.

14. Manager’s Report. None.

15. Adjournment: Commissioner Hunsucker made a motion to adjourn the meeting at 8:20 p.m. The motion carried unanimously.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk